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CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

2007 OCT 18 PM 1:13

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# 06-138-MPT

Plaintiff Motion to Dismiss <sup>The News Journal</sup>  
(<sup>the Times</sup>) et al  
Summary Judgement request  
by Defendants and Find  
Favorable Justice for Plaintiff.

I was a full time employee for 16 1/2 years. I was eligible for 4 weeks vacation, 3 personal Paid days, 10 sick days, 26 weeks STD, 26 weeks LTD, 12 weeks FMLA and up to 1 year approved leave of absence. I began employment Part time December '87, became full time Feb. '88. I was negligently injured on the job Feb '99. This worker's comp claim has never been fully Commuted from '99-present. I was involved in a Motor Vehicle accident April 24, 2004 (27th). As a result I was out of work on STD leave. According to the Gannett/News Journal Policy, an employee is entitled to use the time earned, if this injured become extensive, ~~then~~ the time earned does not cover the leave, then the employee may request FMLA or leave of absence. (See exhibit B)

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the Income Protection Plan clearly state, At the Company discretion, proof of illness either in written form from my physician or through an examination by a company-selected physician may be required before Payments under this Plan is authorized. The plan clearly states "since STD continues until employee is fit to return to work, periodic reports from my physician may be requested. (See exhibit B). All medical forms, medical records, Doctor notes and other requested info was returned to Ann Hines.

Ann Hines never discussed with me, the jeopardy of me losing my job, she never had to remind me of medical documentation -- as I ALWAYS made it my priority to respond to all her request to avoid such allegations and loss of my job.

As stated by Ann Hines the purpose of the IME was due to vagueness of my previous notes, to determine in fact, if I could return to work in any capacity & to see if I was still eligible for STD benefits clearly contradicts the previous answers she stated to Community Legal Aid, her counselor from Virginia (Garnett) and her present attorney (Ms. Jauffret).

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Ann Hines states she requested a JME for the purpose of my eligibility, however what she was provided from Ms. Surdo (Concentra Medical Center) was a return to work evaluation. (there is a difference in performance of a JME and evaluation.

The answers Ms. Hines provided in her affidavit are much different and conflict with her previous statements. Her answers are clearly responsive to the statements she witnessed from me in a deposition August 2007. Ann Hines made fraudulent statements to her Counselor, her VP, her attorney to defeat the courts. I also find it amusing immediately after the deposition in August 2007, Ann Hines is no longer with the Company.

Her actions, misrepresentation and authority to administer Human Resources duties should be accountable and illegal practice. To intentionally misrepresent an employee resulting in loss of employment, then scapegoat by leaving or being forced to leave the duties she performed reflects the natural acts of a guilty party.

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Belores Pinto's affidavit holds no creditability on behalf of the News Journal. My charges have been exposed, requesting information from my Personnel file, documentation from Human Resources (some directed to Ms Pinto) since September 2004 through Community legal aid. Ms. Pinto never responded to my request with information nor documentation. In fact at one point in November or December 2004, Ms Pinto stated to Community legal aid she was not aware of what was going on between Ann Hines & the termination of my employment/benefits nor requested information. She was to speak to Ann Hines & forward the requested information. (which never happened). She lastly responded, we would not receive any documents because she received charges from DDOL. Again, Community legal aid requested separate documents which were never delivered. As with Ann Hines, Ms. Pinto was present at my August 2004. Prior to the deposition

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There are no other statements from Delores Pinto. Her answers are clearly responsive to the statements she witnessed from me in the August 2007 deposition. Delores Pinto introduces herself as the VP for the News Journal whose duties include the oversight and administration of company's Policy and procedures. Ms. Pinto did not serve to be the VP, she honored and now defrauding the legal system after the illegal actions of Ann Hines has come to a point she must take responsibility. Ms. Pinto answers are deceitful, scapegoating therefore should not be creditable to my charges. Ms. Pinto had since Sept. 2004 to be heard, but not until August 2007 after sitting in with the Defense attorney and taking notes did she even submit a statement prior. Even upon request from Community Legal Aid.

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Shelly Rumpf as I stated in prior letters, challenged my doctors, my medication, my health and caused me a new illness "Depression". She Rumpf did let me know I merit increase was approved and I would get my money retroactive when I return. Shelly Rumpf statement is true, I never mentioned unused vacation to her, I requested that from Ann Hines after the note to fill my position. I find it very challenging, Ms. Rumpf felt withholding from the staff eliminating my position was Confidential, but it was not Confidential I had a Medical Condition.

Again this statement Shelly Rumpf, disclosed personal information about me when she sent a email to the entire finance Dept was made by me in the August 2007 deposition with the Defendants attorney.

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## Conclusion

Deleones Pinto  
Ann Hines  
Shelly Rump

Were all in their affidavits clearing up through deceit, fraudulent answers and illegal practice the policy and procedures they took reverse actions against me without proper notice to fraud the system. I was never given an opportunity to save my job. I never used all the earned days I was entitled to therefore I had to request leave & absence no any other extensions. According to Ann Hines I had until October 20, 2004 to return to work. Ann, Deleones nor Shelly never requested from me nor my doctor any information "Such as" a return to work if this was something she knew to be important and consistent with me being terminated. Ann Hines

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Called me repeatedly in August 2004, requesting demanding I supply her with my entire medical records from Sports Rehabilitation (Dr. Sternberg) which I did. Likewise, if a return to work date made the determining factor as to why I have no job, Ann Hines never allowed me to know this. ~~Elimination~~ means "get rid of." Through their paperwork it show where the "Credit Clerk" position was filled. Through a thorough investigation you will find my position "Credit Clerk" collector for retail advertisers has never been eliminated. I was never given an opportunity to return to work or appeal the reverse information provided to me by Ann Hines. I was also told by letter "Contact them when I can return." "full-time". (Part-time was not an option). I never exhausted all my earned time. I never received any earned vacation pay. I was short pension pay. I was never offered Layoff, ~~buyout~~ buyout nor early retirement.

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The News Journal through Ann Hines raped me of all my benefits, my lifestyle and employment by use of illegally, fraud, deceit and adverse practices without giving me the option to appeal, without giving me notice of an appeal process or the notice of a return to work date. All other demands came to me in form of a letter from Ann Hines giving me specific response dates. My rights were violated, my medical was discriminated and their actions and statements of response are fraudulent. None before my deposition have we heard anything of Rileas Pinto, Curtis Riddle nor Don Lemire. This clearly proves the motive the Defendants are trying to process as a scapegoat to cover their illegal practice, policy and procedures. A prior exhibit clearly shows Shelly Rumpf requested elimination of Position not Rileas Pinto.

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## Certificate of Service

I hereby certify October 17, 2004 I hand  
delivered to the clerk of Court "response  
to Affidavits" from Defendants. Copies hand  
delivered to:

Jennifer Jauhoff  
Layton & Fingar  
One Redney Sq

Wilmington DE  
19899

Vermette Walker  
Plaintiff (Pro Se)